UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BERNARDINO GINO SANDOVAL,	NO. 3:17-cv-05667-RJB-DWC
Plaintiff,	DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR AFFIDAVIT
v.	
MIKE R OBENLAND, et al.,	
Defendants.	

The Defendants, respectfully file their response to Plaintiff's motion for affidavit. ECF No. 39.

RESPONSE

Sandoval's claims arise out of his previous request to marry another incarcerated inmate in 2014. At that time, the Department's marriage application policy required that the intended spouse be on the inmate's approved visitor list. Despite Sandoval's release from Department custody, and the Department revision of the policy, which removed the approved visitor requirement[1], Sandoval filed this frivolous litigation alleging $16,000,000 in damages. ECF No. 1. Sandoval now seeks an order requiring a non-party to permit him to obtain an affidavit in

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[1] See policy 590.200, Offender Marriages and State Registered Domestic Partnerships at http://www.doc.wa.gov/information/policies/default.aspx

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1 | this case. ECF No. 39. Defendants are not in a position nor do they have the knowledge to

2 | determine the King County jail's penological security reasons for prohibiting Sandoval's contact

3 | with Department of Corrections inmate Alan French. *Turner v. Safley*, 482 U.S. 78, 85 (1987)

4 | ("Prison administration is, moreover, a task that has been committed to the responsibility of

5 | those [executive and legislative] branches and separation of powers concerns counsels a policy

6 | of judicial restraint. Where a state penal system is involved, federal courts have … additional

7 | reason to accord deference to the appropriate prison authorities.").

8 | On May 21, 2018, the Defendants conducted the deposition of inmate Alan French.

9 | During the deposition, Defendants' counsel asked French the specific questions Sandoval is

10 | requesting his affidavit answer. Declaration of Candie M. Dibble in Support of Defendants'

11 | Response to Plaintiff's Motion for Affidavit, Attachment A. Because French answered

12 | Sandoval's proposed questions under oath during the deposition, an affidavit is unnecessary.

13 | **CONCLUSION**

14 | Because Sandoval is asking the Court to order injunctive relief from a non-party and

15 | French answered his questions under oath during a deposition, Sandoval's motion for an affidavit

16 | should be denied.

17 | RESPECTFULLY SUBMITTED this 29th day of May, 2018.

18 | ROBERT W. FERGUSON
Attorney General

19 |

20 |

21 | s/ Candie M. Dibble
CANDIE M. DIBBLE, WSBA #42279

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I hereby certify that I caused the foregoing Defendants' Response to Plaintiff's Motion to Extend Discovery Deadlines to be electronically filed with the Clerk of the Court using the CM/ECF system, and I certify that I mailed by United States Postal Service the document to the following non CM/ECF participants:

> BERNADINO G. SANDOVAL BA #218007343
> MALENG REGIONAL JUSTICE CENTER
> DEPT. OF ADULT DETENTION
> 620 WEST JAMES STREET
> KENT, WA 98032

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 29th day of May, 2018, at Spokane, Washington.

s/ Patty Willoughby
PATTY WILLOUGHBY
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